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Attorneys for Defendant KENNETH J. WIDDER, M.D.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHARLES O. BRADLEY TRUST, LINDA
I. BRADLEY TRUST, KEN & SHARON
BURGE TRUST, BRAD MARTIN
BURGE, SCOTT & NOA L. DYKSTRA,
RONALD C. HALL, RENTAL CENTER
PROPERTIES, a California Partnership,

Plaintiffs,

v.

ZENITH CAPITAL LLC; TASKER
COOPER SMITH/ZENITH GROUP LTD;
TASKER COOPER SMITH/ZENITH
GROUP LLC; PISENTI & BRINKER LLP;
RICK LANE TASKER (aka Rick Tasker);
MARTEL JED COOPER (aka Jed Cooper);
GREG SMITH; IRWIN S. ROTHENBERG
(aka Irv Rothenberg); MARVIN
FRIEDMAN; MILTON LOHR; PAUL
LEVY; KENNETH WIDDER; MARK J.
ALBRECHT; MARK J. ALBRECHT
ACCOUNTANCY CORPORATION; and
DOES 1 through 50, inclusive,

Defendants.

CASE NO. C 04 2239 JSW

STIPULATION

**(1) RE-NOTICING DEFENDANT DR.
KENNETH WIDDER'S MOTION TO
DISMISS PLAINTIFF'S FIRST
AMENDED COMPLAINT PURSUANT
TO F.R.C.P. RULE 9(b), 12(b)(6) or
ALTERNATIVELY MOTION FOR A
MORE DEFINITE STATEMENT
PURSUANT TO RULE 12(e), AND AN
ALTERNATIVE MOTION TO STRIKE
RULE 12(f) AND
(2) HAVING DR. WIDDER'S MOTION
PAPERS APPLY TO PLAINTIFF'S
SECOND AMENDED COMPLAINT**

Date: November 4, 2005

Time: 9:00 a.m.

Courtroom: 2, 17th Floor

Hon. Jeffrey S. White

This stipulation is predicated on the following:

- Whereas Dr. Widder filed a Motion to Dismiss Plaintiff's First Amended Complaint on June 30, 2005.
- Whereas plaintiffs filed a Second Amended Complaint which amended the First Amended Complaint as to claims against Mark J. Albrecht and Mark J. Albrecht Accounting Corporation on July 1, 2005.

- Whereas the Second Amended Complaint made no changes to any allegations as they relate to claims made against Dr. Widder.

IT IS HEREBY STIPULATED by and between plaintiffs and defendant Dr. Kenneth Widder that Dr. Kenneth Widder's:

- Notice of Motion and Motion to Dismiss Plaintiff's First Amended Complaint pursuant to F.R.C.P. Rule 9(b), 12(b)(6), or Alternatively Motion for a More Definite Statement Pursuant to Rule 12(e), and Alternative Motion to Strike (Rule 12 (f));
- Memorandum of Points and Authorities in support of Motion to Dismiss Plaintiff's First Amended Complaint pursuant to F.R.C.P. Rule 9(b) or Alternative Motion for a More Definite Statement Pursuant to Rule 12(e), and Alternative Motion to Strike (Rule 12 (f));
- Request for Judicial Notice in Support of Defendants' Reply Memorandum in Support of Motion to Dismiss and Strike Portions of Plaintiff's Complaint; and
- [Proposed] Order granting Defendant Dr. Kenneth Widder's Motion to Dismiss Plaintiff's First Amended Complaint pursuant to F.R.C.P. Rule 9(b), 12(b)(6), or Alternatively Motion for a More Definite Statement Pursuant to Rule 12(e), and Alternative Motion to Strike (12(f))

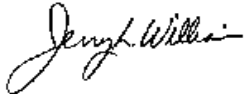
are applicable to plaintiff's Second Amended Complaint and shall be deemed filed as to the Second Amended Complaint and said motions shall be heard on November 4, 2005 at 9:00 a.m. in Courtroom 2 of the above-entitled Court, located at 450 Golden Gate Avenue, San Francisco, California.

IT IS SO STIPULATED.

Dated: _____

JOHNSON & MISKEL

By: _____


Glendon W. Miskel, Esq.
Gerald L. Williams, Esq.
Attorneys for Plaintiffs

1 Dated: July 13, 2005

SULLIVAN, HILL, LEWIN, REZ & ENGEL
A Professional Law Corporation

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4 By: /s/ Donald G. Rez
Donald G. Rez
Attorneys for Dr. Kenneth Widder

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7 IT IS SO ORDERED.

8 DATED: July 14, 2005

9 /s/ Jeffrey S. White
THE HONORABLE JEFFREY S. WHITE
JUDGE, UNITED STATES DISTRICT COURT